

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 7449, 7468, 7712,
7929, 8251, 8306, 8370, 8476, 8514,
8586, 8711, 8781, 8851, 9017, 9385,
9411, 9671, 10,590, 11,943, 11,969,
12443, 12448**

(Jointly Administered)

NINETEENTH URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Debtor”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order* [ECF No. 12448] (the “Amended Scheduling Order”).²

Background

1. On June 14, 2019, NextGen HealthCare, Inc. and Quality Systems, Inc. (“Movants”), filed a *Motion for Payment of Administrative Expense Claim of Post-Petition Executory Contract Payments* [ECF No. 7449] (the “Motion”), requesting that the Court enter an order directing the Department of Health, an entity of the Debtor, to pay \$179,510.00 for post-petition services purportedly provided by Movants. Accordingly, Movants allege they are entitled to administrative expense priority. See, Motion at p. 7.

2. On March 18, 2020, the Court entered the Amended Scheduling Order which provides that oppositions to the Motion must be filed by April 8, 2020 and Movants’ reply by April 15, 2020.

3. On March 12, 2020, the Governor signed the *Executive Order of the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, to Declare a State of Emergency in Light of the Imminent Impact of the Coronavirus (COVID-19) on Our Island*, Administrative Bulletin No. OE-2020-020 (the “Emergency Order”), declaring a state of emergency in order to implement certain measures aimed at safeguarding the health, well-being, and safety of the people of Puerto Rico in light of the imminent threat posed by COVID-19.

4. On March 15, 2020, and in response to the spread of COVID-19 throughout Puerto Rico, the Governor signed the *Executive Order of the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, to Make Viable the Necessary Government and Private Closures to Fight the*

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Debtor.

Effects of Coronavirus (COVID-19) and Control the Risk of Contagion on Our Island, Administrative Bulletin No. OE-2020-023 (the “March 15 Executive Order”), directing, among other things, the “closure of all governmental operations . . . except those related to essential services” until March 30, 2020. Executive Order § 6.

5. On March 30, 2020, the Governor extended the closure of, among other things, the Puerto Rico government to April 12, 2020 under the March 15 Executive Order pursuant to the *Executive Order of the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, Extending the Measures Taken to Control the Spread of the Coronavirus, COVID-19, in Puerto Rico*, Administrative Bulletin No. OE-2020-029 (together with the Emergency Order and the March 15 Executive Order, the “Executive Orders”).

Request for Relief

6. Puerto Rico, along with the rest of the world, is facing an unprecedented challenge based on the outbreak of a respiratory illness caused by a novel (new) coronavirus, known as COVID-19. This is a global humanitarian challenge, and many people are courageously battling the virus and putting their own lives at risk to help others in need. Puerto Rico is no exception. Addressing this humanitarian and health challenge is the Government’s top priority at this moment.

7. Accordingly, the Department of Health, as well as its Secretary of Health, have continued to focus their efforts and resources on addressing the COVID-19 crisis. While the Debtor and Movants are in the final phase of their good faith settlement negotiations for the consensual resolution of the Motion, the review, approval and execution of the potential settlement agreement by the Secretary of Health remains. Despite the Debtor and Movants’ best efforts, the Government lockdown imposed pursuant to the Executive Orders, and the Department of Health’s

recent management changes and direct involvement in the essential services provided in the COVID-19 crisis, have delayed this final aspect of the process. This extension is requested to allow the Department of Health and its Secretary to continue focusing on the COVID-19 crisis and to provide time for the Secretary of Health to review and approve the agreement once the Government lockdown ends. The Debtor reached out to Movants' counsel who has consented to the requested extension.

8. Accordingly, the Debtor, with Movants' consent, proposes the following extensions of the deadlines set forth in the Amended Scheduling Order:

- The deadline to either inform the Court of the status of the settlement negotiations, execute a settlement agreement in connection therewith, or to otherwise respond to the Motion, shall be ten (10) business days after the Government lockdown is terminated.
- The deadline for Movants to file a reply to an opposition, if any, shall be seven (7) business days after the Debtor responds to the Motion.

9. Pursuant to Paragraph I.H of the *Eleventh Amended Notice, Case Management and Administrative Procedures* [ECF No. 11885-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

1. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for

the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties; (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

2. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: April 8, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi
USDC No. 222301
Email: lmardini@mpmlawpr.com

/s/ Carolina Velaz-Rivero
Carolina Velaz-Rivero
USDC No. 300913
Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑIZ LLC
250 Ponce de León Ave.
Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494

*Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*

Exhibit A

Proposed Order